

documents connected with the complication and publication of "Morang's Annual Register," and for an injunction restraining defendant from using the same in connection with any rival enterprise or otherwise to the detriment of plaintiff. The application was made before delivery of defence, and each party was allowed to examine the other for discovery, and had done so.

A. J. Russell Snow, for defendant.

J. H. Moss, for plaintiff.

THE MASTER.—It is evident from the examinations that defendant can plead without particulars, the whole question being whether plaintiff is entitled to the books, papers, and documents received by plaintiff or defendant, and whether addressed to the one or the other, during the period of defendant's employment by plaintiff. The defendant asserts a right to retain those that were sent to him direct and which he arranged for on his own account. Plaintiff claims these as well as those sent to plaintiff himself. Defendant knows what he has received better than plaintiff. The particulars of the agreement of service are equally within the knowledge of plaintiff and defendant. Motion refused. Defendant to deliver his defence forthwith. Costs to plaintiff in the cause.

WINCHESTER, MASTER.

APRIL 4TH, 1903.

CHAMBERS.

CHANDLER AND MASSEY (LIMITED) v. GRAND
TRUNK R. W. CO.

*Parties—Joiner of—Two Defendants—Different Causes of Actions—
Sale of Goods—Claim against Vendee for Price—Claim against
Carrier for Loss in Transit.*

Motion by defendant company for an order requiring plaintiffs to elect to proceed against one defendant or the other alone. The plaintiffs alleged that they sold to the defendant William Kerr a static machine and outfit of the value of \$430, and a water meter of the value of \$27, and shipped them to him at Dunnville by the railway of the defendant company; that the machines arrived at Dunnville and were destroyed by fire in the freight sheds of defendant company. Plaintiffs claimed the value of the goods from defendant company as common carriers, or, in the alterna-